

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Criminal No. 4:15-cr-0566-S1
	§	
LEE ROY VILLARREAL	§	

**GOVERNMENT’S PROPOSED VOIR DIRE QUESTIONS**

The United States of America requests that the following questions be presented during voir dire of prospective jurors in the above-captioned case.

Respectfully submitted,

JENNIFER B. LOWERY  
Acting United States Attorney

**s/ Anibal J. Alaniz**

Anibal J. Alaniz  
Assistant United States Attorney  
Texas Bar No. 00966600  
Federal I.D. No. 12590  
1000 Louisiana  
Suite 2300  
Houston, Texas 77002

**s/ Casey N. MacDonald**

Casey N. MacDonald  
Assistant United States Attorney  
New Jersey State Bar No. 043362000  
Federal Bar No. 915752  
1000 Louisiana  
Suite 2300  
Houston, TX 77002  
713-567-9000 (office)  
713-567-9798 (direct)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was delivered on May 18, 2021, attorneys of record for defendants, via electronic case filing (ECF).

**s/ Anibal J. Alaniz**

Anibal J. Alaniz

Assistant United States Attorney

**s/ Casey N. MacDonald**

Casey N. MacDonald

Assistant United States Attorney

**United States' Requested Voir Dire Question No. 1**

Do any of you know the defendant Lee Roy Villarreal?

**United States' Requested Voir Dire Question No. 2**

The attorneys representing defendant are Gerry Morris and Angelica Cogliano.

The attorneys representing the United States are Assistant United States Attorneys Anibal Alaniz and Casey MacDonald.

Do any of you know any of these attorneys?

If so, is your knowledge or dealings of a professional or personal nature?

Would this knowledge in any way impact upon your impartiality in this particular case?

**United States' Requested Voir Dire No. 3**

Are any of you attorneys?

Do any of you have a family member or close personal friend who is an attorney?

If so, do you, your family member, or close personal friend work in the area of criminal law?

Would the fact that you, your family member, or close personal friend is an attorney affect your impartiality in this case?

**United States' Requested Voir Dire Question No. 4**

The United States' anticipated witnesses are:

(Please refer to the United States' witness list).

Are any of you acquainted with any of these people? If so, would that relationship affect your ability to render a true verdict?

**United States' Requested Voir Dire Question No. 5**

Do you recognize any of the other members of the jury venire panel?

**United States' Requested Voir Dire Question No. 6**

Have any of you, a family member or a close personal friend, ever been the subject of a criminal investigation by FBI or DEA, or by any other federal, state or local law enforcement agency?

If so, would that fact affect your impartiality in this case?

**United States' Requested Voir Dire No. 7**

Have any of you ever been charged with a state or federal crime?

Have any of you ever had a family member or close personal friend charged with a state or federal crime?

Has any member of the panel had a close friend or relative that has been charged with an immigration related offense?

If so, please state the nature of the charges.

**United States' Requested Voir Dire No. 8**

Have any of you ever been convicted of a crime, or placed on probation, regardless of whether a final adjudication of guilt was entered?

**United States' Requested Voir Dire No. 9**

Do any of you have such a bias or prejudice against either the defendant or the United States that you could not render a true verdict?

**United States' Requested Voir Dire No. 10**

Have any of you ever appeared as a witness in a criminal trial?

If so, please elaborate.

**United States' Requested Voir Dire No. 11**

Have any of you ever served as a juror in a civil or criminal case in which an agreement on a verdict was not reached?

**United States' Requested Voir Dire No. 12**

Have any of you ever served as a foreman of a jury?

**United States' Requested Voir Dire No. 13**

Do any of you have any physical limitation affecting your hearing or sight or anything else that would make it difficult for you to serve as a juror?

**United States' Requested Voir Dire No. 14**

Do any of you have any business or personal matters that would prevent you from giving your full attention to the evidence during this trial?

**United States' Requested Voir Dire No. 15**

Does any member of the panel have any difficulty understanding or reading English?

**United States' Requested Voir Dire No. 16**

Does anyone on the panel speak Spanish?

**United States' Requested Voir Dire No. 17**

Has anyone on the panel ever lived on the Texas/Mexican border?

**United States' Requested Voir Dire Question No. 18**

Everyone charged with a federal felony crime has a right to go to trial and require the government to present evidence showing the defendant is guilty beyond a reasonable doubt before that person can be convicted. Does anybody disagree or have any issues with this legal right?

**United States' Requested Voir Dire Question No. 19**

As the defendant sits here today, he is presumed innocent, and the burden is on the government to present evidence to prove their guilt beyond a reasonable doubt. This burden never shifts to the defendant. Does everyone understand and agree with this presumption of innocence?

**United States' Requested Voir Dire Question No. 20**

On the other hand, if the government presents evidence which you believe shows beyond a reasonable doubt the defendant is guilty of the offenses he is charged with, at that point you would have a legal duty to find the defendant guilty. Does everyone understand and agree with this duty, if the government meets its burden?

**United States' Requested Voir Dire No. 21**

The United States has the burden of proving defendant's guilt beyond a reasonable doubt. While the United States' burden is a strict or heavy burden, it is not an impossible burden. The United States is not required to prove the defendant's guilt beyond all possible doubt or beyond a shadow of a doubt.

Does each of you understand that it is not necessary to prove the defendant's guilt beyond all possible doubt or beyond a shadow of a doubt?

Is there any among you who would hold the United States to a higher burden of proof than proof beyond a reasonable doubt?

**United States' Requested Voir Dire No. 22**

In federal court, the jury determines the guilt or innocence of the defendant based on the evidence heard at trial. Should the jury return a verdict of guilty, the Court will decide the

punishment. Punishment is a matter strictly for the court and is not to be considered by the jury in any way in arriving at a verdict.

Will any of you be unable to reach a verdict because you are not allowed to also consider the punishment?

**United States' Requested Voir Dire No. 23**

Do any of you have any religious or philosophical beliefs that would make it difficult or impossible to return a verdict of guilty against a person charged with a crime, no matter what the circumstances?

**United States' Requested Voir Dire Question No. 24**

The Defendant is charged with conspiracy to possess with intent to distribute controlled substances, conspiracy to kidnap and kidnapping. Anything about the nature of charges that would make it hard for you sit as juror in this case?

**United States' Requested Voir Dire No. 25**

The law does not require the United States to call as witnesses all persons who may have knowledge of the matters in issue at this trial or to produce as exhibits all papers or other items mentioned during the trial.

Do any of you believe that if the United States does not call all persons who may have knowledge of the matters in issue and produce as exhibits all papers or other items mentioned in the trial, you would not be able to weigh fairly the evidence that was presented and to return a guilty verdict if the United States proved its case beyond a reasonable doubt?

**United States' Requested Voir Dire No. 26**

There will be several witnesses in this case who were utilized as informants by the

government to investigate crimes who received some benefit in return for their assistance and truthful testimony.

Does everyone agree to listen to the testimony of these witnesses and agree to judge their testimony as you would any other witness?

Does anyone feel that he or she could never believe the testimony of an informant under any circumstance due to the sole fact that the witness was an informant?

**United States' Requested Voir Dire No. 27**

There will be several witnesses who testify against the defendants who have also been charged in this case. You will hear that these people have been convicted and that part of their reason for testifying is they hope to get some type of reduction in their sentence. This process is commonplace and proper under the law.

Does everyone agree to listen to the testimony of these cooperating defendants and agree to judge their testimony as you would any other witness, subject to any other instructions I may give you on this topic?

Does anyone feel that he or she could never believe the testimony of a cooperating defendant under any circumstance due to the sole fact that the witness was a cooperating defendant?

**United States' Requested Voir Dire No. 28**

There are two types of evidence presented in criminal cases, direct and circumstantial.

Direct evidence is something that points directly to something having occurred, such as a witness who testifies to having directly seen or heard something happen.

Circumstantial evidence is evidence which tends to indicate something occurred from the



surrounding circumstances, such as seeing snow on the ground in the morning when there had been none on the ground the night before – this evidence would tend to show it had snowed during the night even though you had not directly seen it snow.

The law does not give greater weight to either direct or circumstantial evidence, and a person can be found guilty solely based on circumstantial evidence.

Is there anyone who could not convict a person solely based on circumstantial evidence?

**United States' Requested Voir Dire No. 29**

Several of the charges in this case allege the defendant committed certain criminal violations known as conspiracy. Conspiracy is a just a legal term for an agreement, in this case an agreement to commit certain crimes as charged in the indictment.

Once a person has agreed to commit these offenses with one or more other persons, that person is guilty of the crime of conspiracy. Once this agreement has been reached, the person does not even need to have taken any additional acts to be guilty of the conspiracy.

Does everyone understand and agree with this aspect of the law?

Is there anyone who could not follow the law on this issue?

Once a person has joined a criminal conspiracy, that person is responsible for the actions all other members of the conspiracy commit in furtherance of the conspiracy, even if the person does not commit such acts himself, so long as those acts were reasonably foreseeable.

Does everyone understand and agree with this aspect of the law?

Is there anyone who would not want to follow the law on this issue?

In addition, all members of a criminal conspiracy do not even need to know each other or the other members of the conspiracy.

Does everyone understand and agree with this aspect of the law?

Is there anyone who could not follow the law on this issue?

**United States' Requested Voir Dire No. 30**

There is a legal concept known as “aiding and abetting” which generally states that even if a person did not physically commit the crime charged, if that person helped another person commit that crime that person is equally as guilty as the person who committed the crime.

Does everyone understand that concept?

Is there anyone who could not vote to convict based on that concept if the evidence supported it beyond a reasonable doubt?

**United States' Requested Voir Dire No. 31**

Some of the witnesses in this case may describe conversations they had with the defendants. Most of these conversations were not recorded on video or audio.

You are still allowed to judge the credibility of the witnesses and believe that the conversations occurred as the witnesses describe.

Even so, is there anyone who would require the government to produce a video or audio recording before they could believe a witness' testimony about a conversation occurring?

**United States' Requested Voir Dire No. 32**

Does any member of the panel, for any reason whatsoever, whether I have covered the subject or not, believe he or she could not be a fair and impartial juror in this case?

Have I failed to ask something that you think the Court and the parties should know about before you are selected as a juror?